

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RANSOM PARRIS,

Petitioner,

v.

CIVIL ACTION NO. 1:07cv53
(Judge Keeley)

DR. DAVID MUST,
MARK WEGMAN,
CPL. J. IGONS

Respondents.

ORDER GRANTING PETITIONER'S MOTION TO DISMISS

On April 16, 2007, the petitioner filed a complaint pursuant to 42 U.S.C. § 1983. The respondents have not yet responded to the complaint. On November 14, 2007, the petitioner filed a motion to dismiss the case without prejudice (dkt. no. 13). Although the petitioner does not state any Rule of Civil Procedure in the motion, the Court construes it as a motion for voluntary dismissal under Fed. R. Civ. P. 41(a).

Because the respondents have not yet filed a response to the complaint, this Court **GRANTS** plaintiff's motion to dismiss (doc. no. 13), **DISMISSES** this case **WITHOUT PREJUDICE** and directs the clerk to **STRIKE** this case from this Court docket. Because the petitioner has already filed for *in forma pauperis* status, however, the clerk will continue to collect the filing fee in accordance with 28 U.S.C. § 1915(b).

ORDER GRANTING PETITIONER'S MOTION TO DISMISS

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff, certified mail, return receipt requested, and any counsel of record.

DATED: November 16, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE